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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/786,122	02/26/2004	Kanji Matsutani	NAK-066-USA-P	1859
27955	7590	09/22/2005	EXAMINER	
TOWNSEND & BANTA c/o PORTFOLIO IP PO BOX 52050 MINNEAPOLIS, MN 55402			LE, HUNG CHARLIE	
			ART UNIT	PAPER NUMBER
			3725	

DATE MAILED: 09/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/786,122	MATSUTANI, KANJI	
	<b>Examiner</b>	<b>Art Unit</b>	
	Hung C. Le	3725	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 28 February 2004.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1 - 5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 1 - 5 is/are allowed.
- 6) Claim(s) \_\_\_\_\_ is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 26 February 2004 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                     | Paper No(s)/Mail Date. _____ .  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____ .                                  |

## DETAILED ACTION

### ***Specification***

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

#### **Arrangement of the Specification**

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or  
REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
- (f) BACKGROUND OF THE INVENTION.
  - (1) Field of the Invention.
  - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if

the required "Sequence Listing" is not submitted as an electronic document on compact disc).

The disclosure is object to because of the following informalities:

- 1) No IDS presented on the application.
- 2) Abstract is longer than 150 words.
- 3) On Page 8 of the disclosure, Line 3, called element (5) as "drive means".  
On Line 17 of same page, called element (5) as "moving means".  
On Line 19 of same page, called element (5) as "the means".
- 4) On Page 8 of the disclosure, Line 25, called element (8) as "clamps".  
On line 28 of the same page, called element (8) as "vise clamp".
- 5) On Page 7 of the disclosure, Line 21, called element (1a) as "proximal end".  
On Page 9 of the disclosure, Line 6, called element (1a) as "flat surface portion".
- 6) On Page 9 of the disclosure, Line 29, referred to the frame (1115), should be the frame (15).
- 7) On Page 8 of the disclosure, Line 1, called element (4) as "rotating means".  
On Page 17 of the disclosure, called element (4) as "the motor".

Appropriate correction is required.

### **Reasons For allowance**

The following is an examiner's statement of reasons for allowance:

Prior art failed to disclose or imply:

"A twisting apparatus for an ultrafine rectangular bar, comprising:  
a chuck for holding a proximal end of the ultrafine rectangular bar;  
chuck driving means for holding or releasing the proximal end of the ultrafine rectangular bar by driving the chuck;  
at least two vise clamps structured to contact with and isolated from the ultrafine rectangular bar held by the chuck, each of the vise clamps having a

pressing surface capable of contacting to a side surface of the ultrafine rectangular bar;

vise clamp driving means for driving the vise clamps to move the vise clamps to contact with and isolated from the ultrafine rectangular bar; moving means for correlatively moving the chuck and the vise clamps along the axial center of the ultrafine rectangular bar held by the chuck; and rotating means for correlatively rotating the chuck and the vise clamps around the axial center of the ultrafine rectangular bar held by the chuck, wherein the chuck driving means and the vise clamp driving means are so controlled that, after the proximal end of the ultrafine rectangular bar is held by the chuck where the vise clamps are placed closely to the ultrafine rectangular bar, the chuck disengages ultrafine rectangular bar when the vise clamps contact to the ultrafine rectangular bar and then engages again the ultrafine rectangular bar, in a case where the vise clamps are approached closely to the ultrafine rectangular bar held by the chuck to twist the ultrafine rectangular bar upon isolating, as rotated correlatively, the chuck and the vise clamps from each other."

The closest piece of art (Matsutani, 4,604,884) discloses: some of the claimed elements except for the moving means as well as the controlled mechanism between the chuck and the vise clamps.

However, prior art of record fails to disclose the claimed subject matter as set forth above.

Therefore, the "Twisting apparatus for ultrafine rectangular bar" per claims 1 – 5 herein are being allowed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### **Ex parte Quayle**

This application is in condition for allowance except for the following formal matters:

- 1) The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609.04(a) states, "the list may not be incorporated into

the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

Appropriate correction is required.

- 2) Abstract is longer than 150 words.  
Appropriate correction is required.
- 3) On Page 8 of the disclosure, Line 3, called element (5) as "drive means".  
On Line 17 of same page, called element (5) as "moving means".  
On Line 19 of same page, called element (5) as "the means".  
Appropriate correction is required.
- 4) On Page 8 of the disclosure, Line 25, called element (8) as "clamps".  
On line 28 of the same page, called element (8) as "vise clamp".  
Appropriate correction is required.
- 5) On Page 7 of the disclosure, Line 21, called element (1a) as "proximal end".  
On Page 9 of the disclosure, Line 6, called element (1a) as "flat surface portion".  
Appropriate correction is required.
- 6) On Page 9 of the disclosure, Line 29, referred to the frame (1115), should be the frame (15).  
Appropriate correction is required.
- 7) On Page 8 of the disclosure, Line 1, called element (4) as "rotating means".  
On Page 17 of the disclosure, called element (4) as "the motor".  
Appropriate correction is required.

Prosecution on the merits is closed in accordance with the practice under Ex parte Quayles, 1935 C.D. 11,453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung C. Le whose telephone number is 571-272-8757. The examiner can normally be reached on M-F: 08:00am - 05:30 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on 571-272-4419. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



HCL  
9/19/05

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